REMARKS

By this Amendment, claims 1, 3-5 and 20-29 remain pending in the present application. Claim 2 has been canceled. Claim 1 has been amended and is supported by, for example, the subject matter of canceled claim 2 and paragraphs [0040] through [0048] of the Published U.S. Application.

Applicants have carefully reviewed and considered the Examiner's Action mailed January 5, 2010. Based on the foregoing amendments and the following remarks, the Applicants respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. §103

On pages 2-4 of the Action, claims 1-5 and 20-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,696,918 to Kucharczyk et al. (hereinafter referred to as "Kucharczyk") in view of Published U.S. Patent Application No. 2003/0195798 to Goci et al. (hereinafter referred to as "Goci"). Applicants respectfully disagree.

Regarding claim 1, Applicants note that claim 1 has been amended to contain subject matter similar to that of canceled claim 2. Applicants discussion of claim 1, therefore, will address the Action's rejection of claim 2.

Applicants submit that Kucharczyk in view of Goci does not teach or suggest claim 1, as amended, for at least the following five reasons.

First, Kucharczyk does not teach or suggest "an input unit [that] receives a user selection of a first displayed receiver code and assigns a first transmitter code for a first transmitter to be the same as the selected first displayed receiver code" and "receives a user selection of a second displayed receiver code and assigns a second transmitter code for a second transmitter to be the same as the selected second displayed receiver code," as recited in claim 1.

Instead, Kucharczyk teaches a system in which a server 30 is responsible for providing a delivery service/merchant with an access code to a locking device 10 and 28. Kucharczyk, col. 7, l. 5-12 and 42-43. Specifically, the delivery service/merchant requests an access code from server 30 and the server 30 issues the delivery service/merchant a unique, non-permanent access code. Kucharczyk, col. 4, l. 15-21 and col. 8, l. 1-18. The server 30 may issue unique, non-permanent

codes to a delivery service/merchant by: (1) maintaining identical access code tables 50 in both locking device 28 and the server 30 and issuing a delivery service/merchant a previously unassigned unique code upon request (Kucharczyk, col., 8, l. 19-50); (2) configuring the locking device 28 and the server 30 with identical random number generators and issuing the randomly generated numbers to a delivery service/merchant as a unique access code (Kucharczyk, col. 10, l. 7-31); and/or (3) using a delivery service/merchant's own unique number (such as a tracking number) as the unique access code (Kucharczyk, col. 10, l. 32-49).

Alternatively, a user may request and receive an access code through the locking device 28 itself. Kucharczyk, col. 10, l. 50-51. The locking device 28 may issue unique, non-permanent codes to a delivery service/merchant by: (A) requesting/receiving an access code from the server 30 as discussed above in numbers (2) and (3); (B) issuing the delivery service/merchant a unique access code from the access code table 50 stored in the storage box 28; or (C) allowing the user to enter his own access code using a keypad (col. 10, l. 50- col. 11, l. 8).

Therefore, in contrast to claim 1, Kucharczyk teaches a server 30 and locking device 28 which assigns a user a unique access codes without a user's involvement in the selection process or allows a user to enter a unique access code via the keypad on locking device 28. However neither assigning a user a unique access code without the user's involvement or allowing the user to enter his own unique access code, as disclosed in Kucharczyk, is equivalent to "an input unit [that] receives **a user selection of a first displayed receiver code** [and] receives **a user selection of a second displayed receiver code**," as recited in claim 1. Kucharczyk, therefore, does not teach or suggest "receiv[ing] a user selection of a first displayed receiver code and assign[ing] a first transmitter code for a first transmitter to be the same as the selected first displayed receiver code" and "receiv[ing] a user selection of a second displayed receiver code and assign[ing] a second transmitter code for a second transmitter to be the same as the selected second displayed receiver code," as recited in claim 1.

Second, Kucharczyk does not teach or suggest a "display unit [which] displays the transmitter codes and the receiver codes [of the transmitter/receiver systems]," as recited in claim 1. Instead, as Applicants discussed above, Kucharczyk teaches a server 30 and locking device 28

which assigns a user a unique access codes and a locking device 28 which allows a user to create his own unique access code; however, neither the server 30 nor the locking device 28 "displays the transmitter codes and the receiver codes [of the transmitter/receiver systems]," as recited in claim 1. While the locking device 28 is able to display an access code to a user, individual **access codes are only displayed after they have been assigned to the user**. Kucharczyk , col. 10, l. 50- col. 11, l. 8. In contrast, claim 1 recites a "display unit [which] displays the transmitter codes and the receiver codes [of the transmitter/receiver systems],"and "an input unit [that] receives a user selection of a first displayed receiver code [and] receives a user selection of a second displayed receiver code." Thus, the receiver codes of claim 1 **are displayed before they are selected by the user**. Kucharczyk, therefore, does not teach or suggest the claim elements recited above.

Third, the Action provides insufficient motivation to combine Kucharczyk with Goci. In particular, as evidence of this motivation, the Action states that "it would have been obvious to one of ordinary skill [] to incorporate Goci's features into a Kucharczyk's system [as Goci discloses] a visual indicator to a user that an access code has already been issued, and is prevented from being used again". Action, pg. 3. Applicants disagree with this motivation.

As Applicants have discussed above in their first and second arguments, Kucharczyk teaches a server 30 and locking device 28 which assigns a user a unique access codes without a user's involvement in the selection process or allows a user to enter a unique access code via the keypad on locking device 28. The unique access code is then displayed to a user only after it has been assigned to the user.

Goci, however, discloses displaying a list of candidates on a display, allowing a user to make a selection, and deactivating a selection on a display screen once a user has selected it. Goci, paragraph [0024].

Thus, a person of ordinary skill in the art would not be motivated to combine Kucharczyk, which displays an access code only **after** it has been assigned, with Goci, which displays a list of candidates **before** a user selection is made.

Furthermore, in view of the above, Kucharczyk and Goci disclose fundamentally different devices and the proposed combination of the two would render Kucharczyk inoperable for its intended purpose.

Finally, when discussing the motivation, the Action fails to explain why one of ordinary skill in the art would be dissatisfied with the system of Kucharczyk. Action, pg. 3. **The Action cannot simply assume that one of ordinary skill in the art would be spontaneously motivated to redesign the system of Kucharczyk to be compatible with the features of Goci.** Hence, the Action lacks a sufficient motivation to modify Kucharczyk with Goci.

Fourth, Kucharczyk was combined with Goci using improper hingsight reasoning. As discussed above, the motivation provided by the Action is insufficient to establish a prima facie case of obviousness for rejecting claim 1. Instead, in contravention of the law, the motivation for combining these two references is taken directly from Applicants' disclosure, and not from the prior art. "Both the suggestion [to combine] and the reasonable expectation of success must be found in the prior art, not in the Applicants' disclosure." In re Vaeck, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991) (citing In re Dial Chemical Co., 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) (citations omitted).

Taking the present record in its entirety, it is submitted that the motivation to combine the references could only have impermissibly come from Applicants' disclosure, and not from the prior art. Thus, Kucharczyk and Goci provide no motivation for modifying Kucharczyk to include the features of Goci and the rationale set forth in the Action for combining these references appears faulty as discussed above.

Dependent claim 2 has been canceled rendering this rejection moot.

Dependent claims 3-5 and 20-29 depend on claim 1 and are believed to be allowable for at least the same reasons as above. Therefore, Applicants respectfully request that the above rejection of claims 2-5 and 20-29 be withdrawn and that claims 2-5 and 20-29 be allowed.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: May 5, 2010   Respectfully submitted,

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